

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Lt. Commander Kenneth J. Whitwell,	:	
U. S. Navy,	:	
	:	C. A. No.: 05 CV 796 SLR
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY DEMANDED
	:	
Archmere Academy, Inc., a Delaware	:	
corporation;	:	
The Catholic Diocese of Wilmington, Inc.,	:	
a Delaware corporation;	:	
Rev. Edward Smith, individually and	:	
in his official capacity; and	:	
Rev. Michael A. Saltarelli, in his official	:	
capacity,	:	
	:	
Defendants.	:	

STIPULATED BRIEFING SCHEDULE

This Stipulation is entered March 27, 2006 by and between below-signed counsel on behalf of plaintiff Lt. Commander Kenneth J. Whitwell and co-defendants Archmere Academy, Inc., The Catholic Diocese of Wilmington, Inc., and Rev. Michael A. Saltarelli.

WITNESSETH:

WHEREAS, litigation was initiated on or about November 17, 2005 by plaintiff Lt. Commander Kenneth J. Whitwell (“plaintiff”) against defendants Archmere Academy, Inc. (“Archmere”), The Catholic Diocese of Wilmington, Inc. (“The Diocese”), Rev. Edward Smith (“Fr. Smith”), and Rev. Michael A. Saltarelli (“Bishop Saltarelli”) in the United States District Court for the District of Delaware; and,

WHEREAS, a responsive pleading is due from each defendant on or before March 27, 2006; and,

WHEREAS, it is the present intention of certain defendants, namely Archmere, The Diocese, and Bishop Saltarelli to individually file Motions to Dismiss based upon Federal Rule of Civil Procedure 12(b)(6) for plaintiff's failure to state a claim upon which relief can be granted; and,

WHEREAS, defendants' Motions to Dismiss will individually and collectively raise issues of law including, but not limited to, statute of limitations and choice of law, requiring an exchange of briefs addressing the relevant facts and applicable law; and,

WHEREAS, counsel for plaintiff has disclosed to counsel for defendants that a Stipulated Briefing Schedule is needed to accommodate the heavy trial calendar of counsel for plaintiff; and,

WHEREAS, on information and belief defendant Fr. Smith has not formally retained counsel pending resolution of a claim for insurance coverage made on his behalf; and,

WHEREAS, all counsel agree that no prejudice to any party will inure by entering into the below-described Stipulated Briefing Schedule.

NOW, THEREFORE, in consideration of the above premises and good faith cooperation of counsel, and upon approval of the Honorable Court, the parties hereto agree as follows:

1. Briefing on each defendant's Motion to Dismiss will be completed as follows:

- | | | |
|----|--|---------------------------|
| A. | Defendants' Opening Brief
In support of a Motion to Dismiss: | <u>June 23, 2006</u> |
| B. | Plaintiff's Answering Brief in Opposition
To defendants' Motion to Dismiss: | <u>September 22, 2006</u> |
| C. | Defendants' Reply Brief
In support Of a Motion to Dismiss | <u>November 6, 2006</u> |

2. No further extension or modification of these dates shall be permitted without leave of Court.

THE NEUBERGER FIRM, P.A.

/s/ Stephen J. Neuberger

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SO ORDERED this _____ day of _____, 2006.

The Honorable Sue L. Robinson, Chief Judge